

JULIA STANLEY,

Plaintiff,

v.

ATRIUM HEALTH, et al.,

Defendants.

each defendant within 90 days. Fed. R. Civ. P. 4(b), (m). If a plaintiff allows the 90 days to run without good cause, “the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time,” *id.*, because failure to properly serve a defendant deprives the court of personal jurisdiction over that defendant. *See Omni Capital Intern., Ltd. v. Rudolf Wolff & Co., Ltd.*, 484 U.S. 97, 97 (1987).

A plaintiff cannot sidestep these requirements by preparing a summons herself and filing proof of service. *See Ayres v. Jacobs & Crumplar, P.A.*, 99 F.3d 565, 568-69 (3d Cir. 1996) (dismissing *pro se* plaintiff’s case under Rule 4 where plaintiff failed to request that the Clerk issue a summons and instead prepared a summons herself, filled in the names and addresses of defendants, and filed proofs of service); *Day’Le Lathon v. UNC-Fayetteville St. Uni.*, No. 5:07-cv-105, 2008 WL 60396, *1 (E.D.N.C. Jan. 2, 2008) (applying *Ayres* in similar circumstances).

Stanley missed the mark on each of Rule 4’s requirements, and she fails to show good cause for her failure to serve the defendants in this case. While the Court affords *pro se* plaintiffs some measure of leniency beyond that afforded to litigants with representation, even *pro se* plaintiffs cannot disregard the rules of procedure entirely. *See Laber v. Harvey*, 438 F.3d 404, 413 n.3 (4th Cir. 2006). Thus, this Order serves as notice to Stanley, as contemplated under Rule 4, to remedy the shortcomings in her attempted service or face dismissal.

IT IS, THEREFORE, ORDERED that Plaintiff’s Motion for Default Judgement is **DENIED**, and she is **DIRECTED** to obtain summonses and effect service upon the defendants in accordance with the Federal Rules of Civil Procedure within twenty (21) days of the date of this order. After effecting such service, Plaintiff is further directed to file proof of service with the Court, and Plaintiff is **WARNED** that failure to do so may result in dismissal of her claims.

Signed: September 30, 2023

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

